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Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario



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## Official Report of Debates (Hansard)

SP-31

## Journal des débats (Hansard)

SP-31

### Standing Committee on Social Policy

Building Better Communities  
and Conserving Watersheds  
Act, 2017

### Comité permanent de la politique sociale

Loi de 2017 visant à bâtir  
de meilleures collectivités  
et à protéger les bassins  
hydrographiques

2<sup>nd</sup> Session  
41<sup>st</sup> Parliament

Tuesday 14 November 2017

2<sup>e</sup> session  
41<sup>e</sup> législature

Mardi 14 novembre 2017

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Chair: Peter Tabuns  
Clerk: Jocelyn McCauley

Président : Peter Tabuns  
Greffière : Jocelyn McCauley



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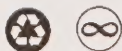
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
SOCIAL POLICYCOMITÉ PERMANENT DE  
LA POLITIQUE SOCIALE

Tuesday 14 November 2017

Mardi 14 novembre 2017

*The committee met at 1606 in committee room 1.*BUILDING BETTER COMMUNITIES  
AND CONSERVING WATERSHEDS  
ACT, 2017LOI DE 2017 VISANT À BÂTIR  
DE MEILLEURES COLLECTIVITÉS  
ET À PROTÉGER LES BASSINS  
HYDROGRAPHIQUES

Consideration of the following bill:

Bill 139, An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts /  
Projet de loi 139, Loi édictant la Loi de 2017 sur le Tribunal d'appel de l'aménagement local et la Loi de 2017 sur le Centre d'assistance pour les appels en matière d'aménagement local et modifiant la Loi sur l'aménagement du territoire, la Loi sur les offices de protection de la nature et diverses autres lois.

**The Chair (Mr. Peter Tabuns):** Good afternoon, committee members. I'm calling this meeting to order to resume clause-by-clause consideration of Bill 139, An Act to enact the Local Planning Appeal Tribunal Act, 2017 and the Local Planning Appeal Support Centre Act, 2017 and to amend the Planning Act, the Conservation Authorities Act and various other Acts.

Bradley Warden from legislative counsel is here to assist us with our work. We'll resume consideration with schedule 4, section 29. Mr. Hardeman.

**Mr. Ernie Hardeman:** For the sake of expediency, I'll withdraw amendment number 65.

**The Chair (Mr. Peter Tabuns):** Withdrawn?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Colleagues, we have before us a number of sections that have no amendments: sections 29, 30 and 31. I propose—

**Mr. Bob Delaney:** Agreed.

**The Chair (Mr. Peter Tabuns):** —to bundle them. Mr. Delaney has already agreed. Do the rest of you agree?

**Mr. Bob Delaney:** One hopes I'm speaking for the majority here.

**Mr. Ernie Hardeman:** Which sections? What are the numbers?

**The Chair (Mr. Peter Tabuns):** Sections 29, 30 and 31.

**Mr. Ernie Hardeman:** Agreed.

**The Chair (Mr. Peter Tabuns):** Agreed? Fine.

Shall schedule 4, sections 29 to 31, inclusive, carry? Carried. Thank you.

We now go to section 32. Mr. Hardeman, you're withdrawing your amendment 65?

**Mr. Ernie Hardeman:** Yes.

**The Chair (Mr. Peter Tabuns):** It is withdrawn.

Then we go to government motion 66. Who will be presenting that? Ms. Malhi.

**Ms. Harinder Malhi:** I move that clause 40(3)(f) of the Conservation Authorities Act, as set out in subsection 32(1) of schedule 4 to the bill, be struck out and the following substituted:

“(f) governing applications for permits under section 28.1, the issuance of the permits and the power of authorities to refuse permits, including prescribing requirements that must be met for the issuance of permits under clause 28.1(1)(c), conditions that may be attached to a permit or circumstances in which a permit may be cancelled under section 28.3 and respecting the period for which a permit is valid;”

**The Chair (Mr. Peter Tabuns):** Debate? No comments? You're ready to vote? All those in favour of government motion 66, please indicate. Opposed? It is carried.

We go to vote on section 32 as a whole. Any discussion on section 32 before we continue? None? Shall schedule 4, section 32, as amended, carry? Carried.

We have sections 32 and 33 with no amendments. I propose to bundle them together. The committee is prepared?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman?

**Mr. Ernie Hardeman:** I would like to vote on them separately.

**The Chair (Mr. Peter Tabuns):** You would like them separate? Okay, we will start with section 32. Did you want a recorded vote on that?

**Mr. Ernie Hardeman:** Yes, please.

**The Chair (Mr. Peter Tabuns):** Okay, we are now dealing with schedule 4, section 32. Shall schedule 4, section 32 carry? All those in favour? This is a recorded vote.

**Mr. Lou Rinaldi:** Recorded vote?



**The Chair (Mr. Peter Tabuns):** Yes.

**Ayes**

Delaney, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** Opposed—just a minute.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** I see. Okay. Schedule 4, section 33: going to the vote.

**Mr. Ernie Hardeman:** Recorded vote.

**Ayes**

Coe, Delaney, Hardeman, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** It is carried.

We then go to government motion number 67: Mr. Rinaldi.

**Mr. Lou Rinaldi:** Chair, I would like to withdraw the present 67 and replace it with 67R.

**The Chair (Mr. Peter Tabuns):** So 67.1?

**Mr. Lou Rinaldi:** Yes.

**The Chair (Mr. Peter Tabuns):** Okay. Motion 67 is withdrawn. We go to 67.1. Ms. Malhi.

**Ms. Harinder Malhi:** I move that section 34 of schedule 4 to the bill be struck out and the following substituted:

“34 (1) Subject to subsections (2) and (3), this schedule comes into force on the day the Building Better Communities and Conserving Watersheds Act, 2017 receives royal assent.

“(2) Section 13 comes into force one year after the day the Building Better Communities and Conserving Watersheds Act, 2017 receives royal assent.

“(3) Section 2, subsections 19(3) and 20(2) and sections 21, 23, 24, 25, 26, 27, 28.1 and 32 come into force on a day to be named by proclamation of the Lieutenant Governor.”

**The Chair (Mr. Peter Tabuns):** Any debate? Mr. Rinaldi and then Mr. Hardeman.

**Mr. Lou Rinaldi:** Sure. Chair, this is a consequential amendment required to separate out the introduction of the new bylaw and enforcement power. The revised motion corrects an error in the initial version to ensure schedule 4 of the bill comes into force on the day the act receives royal assent.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman.

**Mr. Ernie Hardeman:** My understanding is that one of the things we heard from conservation authority representatives—or from people coming and talking about the conservation authority—was the publicness of the meetings, that they wanted more meetings, more accountability and more openness. Why is there a need to have an implementation period to hold an open meeting? Why does that have to be one year from royal assent when in fact you could do that immediately?

I may be speaking to the wrong amendment, because the first amendment was to ensure that public meetings come into force one year after royal assent.

**Mr. Lou Rinaldi:** I'm not sure it's the same motion that we're talking about, but I could be wrong.

**Mr. Lorne Coe:** We're on 67.1.

**Mr. Ernie Hardeman:** Number 67.

**Mr. Lou Rinaldi:** We pulled that motion.

**Mr. Ernie Hardeman:** “Section 13 comes into force one year after the day the Building Better Communities” —

**The Chair (Mr. Peter Tabuns):** We're on 67.1.

**Mr. Ernie Hardeman:** That's what I've got. Why is it one year after proclamation to come into effect?

**Mr. Lou Rinaldi:** Do I see that one—

**Mr. Ernie Hardeman:** That's what it says: “Section 13 comes into force one year after the day the Building Better Communities and Conserving Watersheds Act, 2017 receives royal assent.” Why does that need to take a year?

**Mr. Lou Rinaldi:** Maybe I can get staff to clarify that.

**The Chair (Mr. Peter Tabuns):** Do you want to call a staff person up?

**Mr. Lou Rinaldi:** Sure. Please.

**The Chair (Mr. Peter Tabuns):** Two things: If you'd identify yourself for Hansard before you begin, and if you'd pull the microphone up close so that people can hear you.

**Ms. Jennifer Keyes:** My name is Jennifer Keyes. I'm manager of the water resources section at the Ministry of Natural Resources and Forestry.

The intent behind the one year after royal assent is to allow the 36 conservation authorities time to draft, consult and prepare their bylaws.

**The Chair (Mr. Peter Tabuns):** Mr. Coe.

**Mr. Lorne Coe:** Thank you very much for your answer. My experience is not unlike those who served on municipal councils and, by extension, served on conservation authorities. In many instances—in my case, the region of Durham—those bylaws are already in place. I'm having some difficulty understanding why they would need a full year to draft bylaws. In the case of the board that I was on, they meet generally every other month, depending on the priority of the issues of the day. So I'm not understanding why you would want to allow a full year for drafting a bylaw related to the open meetings.

I think we all agree with the importance of openness and transparency and the regularity of these meetings, but to allow conservation authorities a full year, I think, is excessive.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman? Sorry. My apologies, sir. Mr. Hatfield. It began with an H, sir. It began with an H.

**Mr. Percy Hatfield:** Had he a moustache, I would accept. Thank you, Chair.

I guess the way I'm looking at it is somewhat like Mr. Coe. As opposed to that section, Jennifer, would it not make an equal amount of sense to say that Ontario's 36



conservation authorities have up to a year to change their bylaws—otherwise, this is automatically in effect one year later—meaning that my conservation authority may be able to do it in three months, and his may take six, but we know it's got to be done within a year, as opposed to nothing happens and even though they've passed the bylaw in January, it doesn't come into effect until whenever that one year after is? Is that a fair question?

**The Chair (Mr. Peter Tabuns):** Mr. Rinaldi.

**Mr. Lou Rinaldi:** I think it's probably more of a policy question to government.

The thinking behind it is that we want to make sure they have ample time to get acquainted with the new regime as the new legislation comes into play. I don't think a year is, as Mr. Coe indicated—I never sat on a conservation authority board during my tenure as a municipal politician, but certainly my colleagues did. Yes, they don't meet every month; sometimes, I know, they even meet quarterly. So I'm not sure that a year is unreasonable.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman.

**Mr. Ernie Hardeman:** I'm not opposed to the amendment, but again, I think we've heard from presenters on the conservation authority that the openness of the process is a challenge in a lot of communities.

Having been involved, as Mr. Coe has, in municipal organizations and municipal council for quite a number of years, I can't understand why it could ever take a year to come up with a bylaw to hold open meetings. To close those open meetings, it takes one motion from whatever authority it is to say, "We're going into closed meeting." Why would it take that long to say, "We're going to start holding all of these meetings in public"? Why would that take a year of consultation or a year of anything?

I just can't see why we need to put that law in. If the government believes that we need more open meetings, I don't think we should wait a year for those meetings to be opened up.

**The Chair (Mr. Peter Tabuns):** Any response? None? Okay. Are you ready for the vote?

**Mr. Percy Hatfield:** Recorded vote.

#### Ayes

Delaney, Dickson, Malhi, Martins, Rinaldi.

#### Nays

Coe, Hardeman, Hatfield.

**The Chair (Mr. Peter Tabuns):** The motion is carried.

With that, we go to voting on the section, as amended. Are there any questions about section 34 before we proceed?

**Mr. Ernie Hardeman:** Recorded.

#### Ayes

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

#### Nays

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.

We now get to vote on schedule 4 as a whole. You're ready for the vote? Shall schedule 4, as amended, carry? Carried.

We go on to schedule 5, and we have sections 1 to 10 with no amendments. I propose to bundle them together.

**Mr. Ernie Hardeman:** Separate them, please.

**The Chair (Mr. Peter Tabuns):** Separate them. Sorry, Mr. Hardeman?

**Mr. Ernie Hardeman:** Separate the first one.

**The Chair (Mr. Peter Tabuns):** You want the first one separated out?

**Mr. Ernie Hardeman:** Section 1.

**The Chair (Mr. Peter Tabuns):** Okay. People are ready to vote—

**Mr. Ernie Hardeman:** Recorded.

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**The Chair (Mr. Peter Tabuns):** A recorded vote on section 1 of schedule 5. You're ready for the vote?

#### Ayes

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** Opposed? It is carried.

Then we have sections 2 to 10 with no amendments.

**Mr. Ernie Hardeman:** They can be bundled.

**The Chair (Mr. Peter Tabuns):** You have no problem? Good. I figured I had this side of the room already.

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** Shall schedule 5, sections 2 to 10, inclusive, carry?

#### Ayes

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

#### Nays

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** They are carried.

That takes us to government motion number 68: Ms. Malhi.

**Ms. Harinder Malhi:** I move that section 11 of schedule 5 to the bill be struck out and the following substituted:

"11. Subsection 115(21.2) of the act is amended,

"(a) by striking out 'the Ontario Municipal Board and the appeal body shall forward to the board' in paragraph 1 and substituting 'the Local Planning Appeal Tribunal and the appeal body shall forward to the tribunal'; and



“(b) by striking out ‘Ontario Municipal Board’ at the end of paragraph 3 and substituting ‘Local Planning Appeal Tribunal’.”

**The Chair (Mr. Peter Tabuns):** Any debate? Mr. Rinaldi.

**Mr. Lou Rinaldi:** This is really a technical motion that is needed to remove a reference to the board and to replace it with a tribunal.

**The Chair (Mr. Peter Tabuns):** Any further discussion or questions?

There being none, you’re ready for the vote on this motion?

**Mr. Ernie Hardeman:** Recorded.

#### Ayes

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

#### Nays

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.

We now go to vote on the section as a whole—section 11.

You’re ready for the vote?

**Ms. Harinder Malhi:** Ready.

**The Chair (Mr. Peter Tabuns):** Ready?

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** Shall schedule 5, section 11, as amended, carry?

#### Ayes

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

#### Nays

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.

We now have a number of sections, up to 19, that have no amendments. I propose to bundle them together.

**Interjection:** Agreed.

**The Chair (Mr. Peter Tabuns):** You’re agreed. Do all agree?

**Mr. Ernie Hardeman:** I haven’t found 19 yet—to 18.

**The Chair (Mr. Peter Tabuns):** Take it to number 18?

**Mr. Ernie Hardeman:** Eleven to 18, yes.

**The Chair (Mr. Peter Tabuns):** No problem.

Shall schedule 5, sections—

**Mr. Ernie Hardeman:** Excuse me.

**The Chair (Mr. Peter Tabuns):** I’m sorry. Mr. Hardeman?

**Mr. Ernie Hardeman:** Bundle to 14.

**The Chair (Mr. Peter Tabuns):** Bundle to 14? Fine.

Shall schedule 5, sections 12 to 14, inclusive, carry? Carried.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Then you wanted section 15 separately? Fine.

Section 15. You’re ready to vote?

**Interjection:** Yes.

**The Chair (Mr. Peter Tabuns):** Yes? Mr. Hardeman?

Shall schedule 5, section 15 carry? Carried.

Sections 16 to 19, I propose to bundle together. All agreed? Okay.

Shall schedule 5, sections to 16 to 19, inclusive, carry? They are carried.

That takes us to government motion number 69: Ms. Malhi.

**Ms. Harinder Malhi:** I’d like to withdraw motion 69—

**The Chair (Mr. Peter Tabuns):** So 69 is withdrawn?

**Ms. Harinder Malhi:** —and replace it with 69.1.

**The Chair (Mr. Peter Tabuns):** Okay. We’ll withdraw 69 first, and then you’d like to move 69.1? Would you like to read it in?

**Ms. Harinder Malhi:** I move that schedule 5 to the bill be amended by adding the following section:

“19.1 Subsection 24(4) of the Conservation Authorities Act is amended by striking out ‘secretary of the Ontario Municipal Board’ and substituting ‘Local Planning Appeal Tribunal’.”

**The Chair (Mr. Peter Tabuns):** Any debate? Mr. Hardeman.

**Mr. Ernie Hardeman:** Again, I think we have had considerable debate about this during the time that we’ve dealt with this bill. There seems to be an awful rush to get this done when there was really no rush to be made. This is one of these cases where we’re making an amendment to the bill because in the first part of the bill, the intention of the bill was to change the name of the act. Then in the second half of the bill, with the conservation authorities, the government forgot to change the act. The organization it is whose name they were changing, in this part they didn’t change it, so now we have to do an amendment to change the name that was in the first one. The whole purpose of the bill was to change the name of the Ontario Municipal Board. Now all of a sudden we find ourselves here, with an amendment to change the name of the Ontario Municipal Board for this part of the act. But at this point we’ll vote in favour of it.

**The Chair (Mr. Peter Tabuns):** Fine. Mr. Rinaldi?

**Mr. Lou Rinaldi:** Chair, I totally agree with Mr. Hardeman why this is here.

*Interjection.*

**Mr. Lou Rinaldi:** I’m ready to vote.

**The Chair (Mr. Peter Tabuns):** You’re ready to vote? Okay. All those in favour of government motion 69.1, please indicate. Opposed? It is carried.

We go to government motion number 70: Ms. Malhi?

**Ms. Harinder Malhi:** I’d like to withdraw motion 70, please.

**The Chair (Mr. Peter Tabuns):** Motion 70 is withdrawn. We go to the next government motion, 70.1.

**Ms. Harinder Malhi:** I move that schedule 5 to the bill be amended by adding the following section:



“19.2(1) Subsection 25(2) of the act is amended,

“(a) by striking out ‘secretary of the Ontario Municipal Board’ and substituting ‘Local Planning Appeal Tribunal’; and

“(b) by striking out ‘Ontario Municipal Board’ at the end and substituting ‘Local Planning Appeal Tribunal’.”

“(2) Subsections 25(3) and (4) of the act are amended by striking out ‘Ontario Municipal Board’ wherever it appears and substituting in each case ‘Local Planning Appeal Tribunal’.”

**The Chair (Mr. Peter Tabuns):** Is there any debate on this? None?

**Mr. Ernie Hardeman:** Mr. Chair, I just want to point out that this is the same thing as the last one. Again, we’re just getting rid of the name of the Ontario Municipal Board, which was the intention of the whole bill. I would have thought it could have been done without amendments.

**The Chair (Mr. Peter Tabuns):** Okay. Mr. Hatfield?

**Mr. Percy Hatfield:** At the risk of being redundant: It’s just housekeeping. We’re just getting caught up with what could have been done before and wasn’t. That’s all.

**The Chair (Mr. Peter Tabuns):** Fair enough. You’re all ready to vote? All those in favour of government motion 70.1? All those opposed? It is carried.

That takes us to section 20. We have government motion number 71: Ms. Malhi.

**Ms. Harinder Malhi:** I move that section 20 of schedule 5 to the bill be struck out and the following substituted:

“20. Section 26 of the act, as set out in section 23 of schedule 4 to the Building Better Communities and Conserving Watersheds Act, 2017, is amended by striking out ‘Ontario Municipal Board’ wherever it appears and substituting in each case ‘Local Planning Appeal Tribunal’.”

**The Chair (Mr. Peter Tabuns):** Any debate? There being none—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Sorry, my apologies, Mr. Rinaldi.

**Mr. Lou Rinaldi:** No, that’s fine. Carry on, Chair.

**The Chair (Mr. Peter Tabuns):** Okay. There being none, all those in favour of government motion 71 please indicate. Opposed? It is carried.

We get to vote on section 20 as a whole. Any discussion of section 20? Mr. Hardeman?

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** A recorded vote is requested. Shall schedule 5, section 20, as amended, carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.

We go to section 21. We have government motion number 72: Ms. Malhi?

**Ms. Harinder Malhi:]** I move that section 21 of schedule 5 to the bill be struck out and the following substituted:

“21. Clause 40(1)(e) of the act, as set out in subsection 32(1) of schedule 4 to the Building Better Communities and Conserving Watersheds Act, 2017, is amended by striking out ‘Ontario Municipal Board’ and substituting ‘Local Planning Appeal Tribunal’.”

**The Chair (Mr. Peter Tabuns):** Any discussion? There being none, you’re ready to vote? All those in favour of government motion number 72 please indicate. All those opposed? It is carried.

We go to vote on section 21 as a whole. Any debate?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** I’m sorry?

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** You’d like a recorded vote. Fine. Shall schedule 5, section 21, as amended, carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.

Colleagues, we now have sections 22 to 81 with no amendments. I propose to bundle them together. But I have a further request: Mr. Hardeman?

**Mr. Ernie Hardeman:** Yes, I would agree to the bundling to 27.

1630

**The Chair (Mr. Peter Tabuns):** Bundling to 27. Okay. You’re ready for—

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** Shall schedule 5, sections 22 to 27, inclusive, carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** Okay. That takes us to section 28. Mr. Hardeman.

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** Shall schedule 5, section 25, carry?



**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** None opposed. It is carried.

I proposed to bundle from 29 to 81. Are there any requests that sections be pulled out?

**Mr. Ernie Hardeman:** Twenty-nine and 30 together.

**The Chair (Mr. Peter Tabuns):** Twenty-nine and 30 together? I'm happy with that. You're all ready?

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** Shall schedule 5, sections 29 and 30 carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** They are carried.

That would take us to sections 31 to 81. Do you have a request, Mr. Hardeman?

**Mr. Ernie Hardeman:** Thirty-one separate.

**The Chair (Mr. Peter Tabuns):** Thirty-one separate? No problem. You're ready to vote?

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** Shall schedule 5, section 31, carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** None opposed. It is carried.

Are there any requests for further sections to be pulled out? Mr. Hardeman.

**Mr. Ernie Hardeman:** On section 32—that's the next one—I just want some clarification. It appears that this means that an appeal to the Divisional Court would not be available for expropriation decisions made by the tribunal. Can we get an answer from the staff on that?

**The Chair (Mr. Peter Tabuns):** Mr. Rinaldi, did you want to bring a staff person forward?

**Mr. Lou Rinaldi:** Sure. Can we bring up somebody from legal?

Can you repeat your question, Mr. Hardeman?

**Mr. Ernie Hardeman:** Yes. It appears this means that the appeal to Divisional Court would not be available for expropriation decisions made by the tribunal. So if there's an expropriation made by the tribunal, you could not take that to Divisional Court. Is that what this section does?

**Mr. Lou Rinaldi:** They're just checking.

**Mrs. Cristina Martins:** What section is he on?

**Mr. Lou Rinaldi:** Section 32.

**Mrs. Cristina Martins:** That's 32, right?

**The Chair (Mr. Peter Tabuns):** Yes, it is. It is section 32 that we're discussing.

**Mr. Ernie Hardeman:** Maybe I'm not supposed to know.

**Mr. Lou Rinaldi:** Does somebody have an answer?

**The Chair (Mr. Peter Tabuns):** Okay. If you'd introduce yourself for Hansard and make sure the microphone is up close so we can hear you well.

**Ms. Sara Khajavi:** My name is Sara Khajavi and I'm counsel with the policy division of the Ministry of the Attorney General.

Your question was asking whether or not section 32 would remove the right to appeal for expropriation? Could you repeat your question? Sorry.

**Mr. Ernie Hardeman:** If a decision for expropriation goes to the tribunal and the tribunal makes a decision on that, is that appealable to the courts?

**Ms. Sara Khajavi:** The intention of this amendment is simply to replace the references to the old OMB Act with the new references to the relevant provisions in the Local Planning Appeal Tribunal Act. The section that's being excluded is the appeal right in the Local Planning Appeal Tribunal Act.

I'm sorry. I don't know much more about it—simply that this was a consequential amendment to reflect the new name of the act and the new relevant provision in the Local Planning Appeal Tribunal Act.

**The Chair (Mr. Peter Tabuns):** Further questions?

**Mr. Ernie Hardeman:** I guess if we can vote on it separately in a recorded vote, I think I'll vote against it, because it looks to me like we're taking away the right to appeal a tribunal decision to the Divisional Court.

**Ms. Sara Khajavi:** I think I can clarify that. The only change was to reflect the new name in the new provision of the act. So there wasn't a change in the law to remove an appeal right.

**Mr. Lou Rinaldi:** The same as before?

**Ms. Sara Khajavi:** Yes, it's the same as it was before. That's all.

**Mrs. Cristina Martins:** So it only changed the name.

**Ms. Sara Khajavi:** Yes.

**The Chair (Mr. Peter Tabuns):** There are no further questions?

Thank you for your help.

You wanted a recorded vote on section 32.

**Mr. Ernie Hardeman:** On 32.

**The Chair (Mr. Peter Tabuns):** Okay. Shall schedule 5, section 32 carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.



**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.

That takes us to section 33. Are there requests for any others to be pulled out, as opposed to bundling up to number 81? Yes, Mr. Hardeman?

**Mr. Ernie Hardeman:** It takes a little while. Up to 48.

**The Chair (Mr. Peter Tabuns):** Up to 48?

**Mr. Ernie Hardeman:** Yes.

**The Chair (Mr. Peter Tabuns):** And you want number 49 separate? Is that correct?

**Mr. Ernie Hardeman:** Yes, vote up to 48.

**The Chair (Mr. Peter Tabuns):** Okay. Shall schedule 5, sections 33 to 48, inclusive, carry?

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** Too late. I'm happy to ask for recorded on 49. We go to section 49.

Mr. Hardeman, did you want to speak to it, or do you just want a recorded vote?

**Mr. Ernie Hardeman:** I want it recorded.

**The Chair (Mr. Peter Tabuns):** Okay. We'll have a recorded vote on this. You're ready to vote? Shall schedule 5, section 49 carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** Opposed? It is carried.

Again, we can bundle from 50 to 81—

**Mr. Ernie Hardeman:** With 50 separate.

**The Chair (Mr. Peter Tabuns):** With 50 separate? Not a problem.

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** And you want a recorded vote. You're all ready? Shall schedule 5, section 50 carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.

Sections 51 to 81: Are there any requests—

**Mr. Ernie Hardeman:** With 51 separate.

**The Chair (Mr. Peter Tabuns):** With 51 to be separate. You're all ready?

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** A recorded vote is requested. Shall schedule 5, section 51, carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** All those opposed? It is carried.

Sections 52 to 81—

**Mr. Ernie Hardeman:** Separate 57. And recorded.

**The Chair (Mr. Peter Tabuns):** Okay. So we'll go with 52 to 56. You're ready to vote on 52 to 56? Shall schedule 5, sections 52 to 56, inclusive, carry? Carried. Done.

We're at section 57. Mr. Hardeman?

**Mr. Ernie Hardeman:** No comment.

**The Chair (Mr. Peter Tabuns):** Did you want a recorded vote?

**Mr. Ernie Hardeman:** Yes, please.

**The Chair (Mr. Peter Tabuns):** All right. You're all ready? Good. Shall schedule 5, section 57 carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** Carried.

Then it takes us to sections 58 to 81. Any—

**Mr. Ernie Hardeman:** Separate 59.

**The Chair (Mr. Peter Tabuns):** Then we'll do 58.

**Mr. Ernie Hardeman:** It's 58 and 59.

**The Chair (Mr. Peter Tabuns):** Separately? Are you requesting anything further?

**Mr. Ernie Hardeman:** No, just a recorded vote.

**The Chair (Mr. Peter Tabuns):** Fine. Shall schedule 5, section 58 carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Rinaldi.

**The Chair (Mr. Peter Tabuns):** Opposed? It's carried.

We go to 59. Shall schedule 5, section 59 carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Rinaldi.

**The Chair (Mr. Peter Tabuns):** Opposed? It is carried.

Sections 60 to 81?

**Mr. Ernie Hardeman:** With 60 separate, and a recorded vote.

**The Chair (Mr. Peter Tabuns):** You would like 60 separate? You're ready? Shall schedule 5, section 60 carry?

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** It is carried.  
That takes us to 62. Do you have a request, Mr. Hardeman?

**Mr. Ernie Hardeman:** No; 61 to 65 could be bundled.

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**The Chair (Mr. Peter Tabuns):** Sorry; 61 to?

**Interjection:** Section 65.

**The Chair (Mr. Peter Tabuns):** All right. If you're ready.

**Mr. Ernie Hardeman:** Recorded.

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Rinaldi

**The Chair (Mr. Peter Tabuns):** They are carried.

It takes us to section 66. Do you have a request, Mr. Hardeman, on 66? Did you want to discuss it?

**Mr. Ernie Hardeman:** Yes. I have no objection to bundling 66 to 70.

**The Chair (Mr. Peter Tabuns):** Fine. Everyone else is agreed?

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** Recorded, 66 to 70.

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** They are carried.

It takes us to 71. Mr. Hardeman?

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** On 71? You're ready? Okay.

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Rinaldi.

**The Chair (Mr. Peter Tabuns):** all those opposed? It is carried.

We have sections 72 to 81. Are there any requests for sections being taken out?

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** On the group? Okay. So, I'll bundle and we'll have a recorded vote.

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** They are carried.

With that, we come to section 82, and we have government motion number 73: Ms. Malhi.

**Ms. Harinder Malhi:** I move that subsections 82(2) and (3) of schedule 5 to the bill be struck out and the following substituted:

“(2) Subsection 8.1(23.2) of the act is amended,

“(a) by striking out ‘the municipal board and the local appeal body shall forward to the board’ in paragraph 1 and substituting ‘the tribunal and the local appeal body shall forward to the tribunal’; and

“(b) by striking out ‘municipal board’ at the end of paragraph 3 and substituting ‘tribunal’.”

**The Chair (Mr. Peter Tabuns):** Ms. Malhi—and I should have done this with others. The heading at the top, starting with “schedule 5 to the bill,” could you just read that out so that—

**Ms. Harinder Malhi:** Sure. Schedule 5 to the bill, subsections 82(2) and (3) (subsection 8.1(23.2) of the Planning Act).

**The Chair (Mr. Peter Tabuns):** Thank you. Any debate on this? There is none? People are ready to vote?

All those in favour of government motion 73, please indicate? Opposed? It is carried.

Then we get to vote on section 82 as a whole. Any discussion of section 82 as a whole? There is none? You're fine. Shall schedule 5, section 82, as amended, carry? It is carried.

Then we have sections 83 to 110. I would like to bundle those. Are you agreeable?

Mr. Hardeman?

**Mr. Ernie Hardeman:** No; to 101.

**The Chair (Mr. Peter Tabuns):** Sections 83 to 101, you're fine? Is there any request for a recorded vote?

**Mr. Ernie Hardeman:** Yes, please.

**The Chair (Mr. Peter Tabuns):** Okay.

**Ayes**

Delaney, Dickson, Hatfield, Malhi, Martins, Rinaldi.



**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** They are carried.

That takes us to 102. Any debate on 102, or are people agreeable to bundling—

**Mr. Ernie Hardeman:** Bundling to 109.

**The Chair (Mr. Peter Tabuns):** Sections 102 to 109.

**Mrs. Cristina Martins:** Didn't we do 101?

**The Chair (Mr. Peter Tabuns):** Yes, we did do 101. You're ready?

**Mr. Ernie Hardeman:** Recorded.

**Ayes**

Delaney, Hatfield, Malhi, Martins, Rinaldi.

**Nays**

Coe, Hardeman.

**The Chair (Mr. Peter Tabuns):** They are carried.

That takes us to schedule 5, section 110. Is there any debate? None.

**Mr. Ernie Hardeman:** Recorded.

**The Chair (Mr. Peter Tabuns):** Shall schedule 5, section 110 carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Malhi, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** They are carried.

We get to vote on schedule 5 as a whole, as amended. Is there any question on this? Then I will call the vote. Shall schedule 5, as amended, carry? Carried.

Now, colleagues, we have government motion number 27, which was stood down, oh, so long ago. Is there someone who will move government motion number 27, and if you'll read the title at the top?

**Ms. Harinder Malhi:** Yes.

**The Chair (Mr. Peter Tabuns):** Great. Ms. Malhi.

**Ms. Harinder Malhi:** Just let me find it here. Bear with me.

Schedule 3 to the bill, subsection 2(1) (subsection 2.1(1) of the Planning Act).

I move that the portion of subsection 2.1(1) of the Planning Act, as set out in subsection 2(1) of schedule 3 to the bill, be amended by striking out "subsection 17(49.5) or (53), 22(11.3), 34(26.6)" and substituting "subsection 17(49.7) or (53), 22(11.3), 34(26.8)".

**The Chair (Mr. Peter Tabuns):** Any debate on motion number 27?

**Interjection:** No, we're good.

**Mr. Ernie Hardeman:** A bit of a break here to see what we're dealing with.

**The Chair (Mr. Peter Tabuns):** Mr. Hardeman.

**Mr. Ernie Hardeman:** That's fine.

**The Chair (Mr. Peter Tabuns):** That's fine? Any further discussion? There being none, we're going to the vote. All those in favour of government motion number 27, please indicate. Opposed? It is carried.

We now need to vote on schedule 3—sorry. Shall schedule 3, section 2, as amended, carry?

**Mr. Lou Rinaldi:** Sorry?

**The Chair (Mr. Peter Tabuns):** Just because there's some confusion, if you'll remember, a section was held down so we could go through motion 27. Motion 27 has been carried. We now have to vote on the section as a whole.

Shall schedule 3, section 2, as amended, carry? Carried. It is done.

We held down section 3 as well. We will be voting on schedule 3, section 3. You're ready to vote? Shall schedule 3, section 3 carry? Carried.

If you will remember, at the very beginning, we held down section 1, section 2 and section 3. We now need to vote on those. I propose to bundle the three of them together.

**Mr. Ernie Hardeman:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** Shall sections 1, 2 and 3 carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** Opposed? They are carried.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** My apologies to you all. I should have held section 3, because it was amended.

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Schedule 3. Got it.

Colleagues, I have to tell you, there is a lot of to-ing and fro-ing here. My apologies for any confusion.

**Mr. Lou Rinaldi:** You're doing a great job, Chair.

**Mr. Bob Delaney:** Take your time. We're all going to get through it.

**The Chair (Mr. Peter Tabuns):** I know.

We now go to section 3. Shall schedule 3, as amended, carry? Carried. Good.

Now we have the last few. Shall the title of the bill carry?

**Mr. Lou Rinaldi:** Chair, recorded vote.

**Ayes**

Delaney, Dickson, Martins, Rinaldi.

**Nays**

Coe, Hardeman, Hatfield.

**The Chair (Mr. Peter Tabuns):** It is carried.

Now we're voting on the bill as a whole.

**Mr. Lou Rinaldi:** Recorded vote.

**The Chair (Mr. Peter Tabuns):** Shall Bill 139, as amended, carry?

**Ayes**

Coe, Delaney, Dickson, Hardeman, Hatfield, Martins, Rinaldi.

**The Chair (Mr. Peter Tabuns):** None opposed. Carried.

Then you're voting on reporting it to the House.

**Mr. Lou Rinaldi:** Go ahead.

**The Chair (Mr. Peter Tabuns):** You're not worried about a recorded vote?

Shall I report Bill 139, as amended, to the House? Carried.

Done. Thank you all.

**Mr. Percy Hatfield:** Wow. That's it?

**The Chair (Mr. Peter Tabuns):** In our lifetimes.

With that, the committee is adjourned.

*The committee adjourned at 1651.*





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Mr. Lou Rinaldi (Northumberland–Quinte West L)

### **Also taking part / Autres participants et participantes**

Ms. Jennifer Keyes, manager, water resources section, Ministry of Natural Resources and Forestry

Ms. Sara Khajavi, counsel, justice policy development branch, Ministry of the Attorney General

### **Clerk / Greffière**

Ms. Jocelyn McCauley

### **Staff / Personnel**

Mr. Bradley Warden, legislative counsel

